

CHAPTER VII

EMPLOYMENT

Section 7. Pay Discrimination

C.The Law: Sources of the Legal Standards for Pay Discrimination Cases

1.Statute and Regulations

FEHA (Government Code) Section 12940(a).

Commission Regulations Sections 7290.6, 7291.1(a).

2.Precedential Decisions

DFEH v. City of Napa Housing Authority (Sebia) FEHC Dec. No. 81-12. Sex (female) - denied reclassification and promotion (from secretary to management assistant); compensation discrimination and constructive discharge. Violation demonstrated by denial of female's request for reclassification, job analysis, and pay increases, while male performing similar duties received precise job description, periodic reclassification, pay increases and managerial title. Use of statistical evidence to demonstrate underutilization of women in certain job categories.

DFEH v. County of Madera, Board of Supervisors (Lawler, Turner, Gabrilski, Davis and Schreiber) FEHC Dec. No. 83-22. Sex (female) - compensation discrimination (Matron - Dispatchers who performed similar duties to male Deputy Sheriffs). Legal standard for compensation discrimination. Pay discrimination claims need not show that differently paid jobs are identical or substantially equal. Discrimination may be inferred by demonstrating that employer: 1) intentionally treated women less favorably than men doing similar work; 2) used sex-segregated job classifications and sex-linked job titles; and 3) ignored recommendations to equalize status and compensation in compliance with employment discrimination law.